

Congress to prohibit the physical desecration of the flag of the United States Act of 2003, Hatch, Feinstein, Craig, Sessions, DeWine, Grassley, Graham, Cornyn, Chambliss, Specter, Kyl, S. 1700, Advancing Justice through DNA Technology Act of 2003, Hatch, Biden, Specter, Leahy, DeWine, Feinstein, Kennedy, Schumer, Durbin, Kohl, Edwards, S. 2396, Federal Courts Improvement Act of 2004, Hatch, Leahy, Chambliss, Durbin, Schumer.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL MANAGEMENT,  
THE BUDGET, AND INTERNATIONAL SECURITY

Mr. SMITH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on Financial Management, the Budget, and International Security be authorized to meet on Thursday, July 8, 2004 at 10:30 a.m. for a hearing entitled, "Oversight Hearing on the Federal Government's 2003 Financial Statement: Improving Accountability of American Taxpayers' Dollars."

THE PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that privilege of the floor be granted to Sam Kang and Ryan Ball for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask unanimous consent that two of my interns, Evan Mueller and Dana Dryer, be granted the privilege of the floor during this discussion.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Jessica Segall from the Office of Senator CHRIS DODD be granted floor privileges during the Senate consideration of the Class Action Fairness Act of 2004.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I would like to be recognized for 10 minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

#### CLASS ACTION REFORM

Mr. CARPER. Mr. President, we just concluded a vote and a very disappointing chapter in our effort to reform the way part of our legal system works in this country.

We have debated for the last several days how we might change the current system where people have been harmed by goods or services provided for their use by some company and did not get what they should have—they have been shortchanged or maybe even exposed to a dangerous product or harmed by it in some way—and how we might make sure they are made whole and that we have the opportunity to assemble that

group of harmed people across States or across the country so they can have their day in court. We are looking for a way to make sure the companies that harmed those people are held accountable and know they are going to face a serious financial consequence if they do something untoward or just wrong with respect to their products or services which they provide.

Today we were not able to proceed to the bill and have the opportunity to offer amendments which are germane, pertinent to the bill, relevant to the bill, or those which maybe were not.

My colleague who is presiding has been here for a year and half or so. I know these are issues he has worked on a lot in those 18 months. This class action reform is probably an issue on which he has spent the most time.

As we leave here tonight with this business unfinished, I am deeply disappointed. We come to the end of a chapter, not the end of the book. We have to turn a page and figure out how to go forward.

Our system of justice is out of whack. It is out of balance. The tragedy of it all is we had a very good legislative product here to debate and fix. The system worked the way it was supposed to. We had hearings, I think as many as 10, on this issue and how to fix it. The committees of jurisdiction held hearings in the House and in the Senate. The committees of jurisdiction had a chance to actually debate and vote on the bills and to amend them. They had the opportunity to report those bills out. The House debated this on the floor. In the Senate, we had the opportunity. In the Senate, we fell one vote short of bringing the bill to the Senate floor last fall. We had the opportunity coming out of that disappointing vote to go back to make the bill even better and to bring a truly bipartisan bill to the floor of the Senate which would be supported by a Republican majority and with a good deal of Democratic support.

Given that 65 Members in the Senate were prepared to vote for it, to go home tonight not having had a chance to actually vote for amendments, relevant amendments and nonrelevant amendments, is very disappointing. I am not going to get into assigning blame. There is probably enough on both sides.

I said to the press in an earlier interview that this week in the Senate reminds me of maybe a new television reality show, a dysfunctional family. It is not pretty to watch or, frankly, to be a part of.

When I came here, I wanted to fix things and right wrongs. I know most of us came here with that in mind. This is a wrong that needs to be made right. We had a great opportunity in this bill to do that.

I leave here tonight bewildered, in a sense. One sure way to stymie a bill and stop progress on it this week was to bring the bill to the floor of the Senate in a way that closed off the oppor-

tunity for the minority to offer some reasonable number of nongermane amendments.

I have said so many times to our friends on the other side of the aisle, when you bring the bill to the Senate floor, think of it as a bottle of wine we are opening. We are popping the cork and letting it breathe for a while. Maybe set aside a week and give us a week to debate the bill itself, relevant amendments and a reasonable number of nongermane amendments.

If it becomes clear after several days or a week that our side is being dilatory, if it becomes clear our side is simply not interested in passing the bill, they are just playing games, those Democrats who support a bill will support an effort to close off debate and to force a final vote on the bill.

For the life of me, after saying repeatedly since January that the one way to kill the bill is to bring it to the Senate in a way that stymies debate and closes off amendments that might be nongermane, the very first thing out of the box presented was a cloture motion and a move to fill the amendment tree so our side is precluded from offering amendments, except for those that are germane, I don't understand it.

In the words of a colleague on our side who is opposed to the bill, the only way those who are opposed to the bill could have won was by bringing the bill to the Senate today, invoking cloture, and inflaming Democratic opposition to the bill, united Democratic opposition to the bill.

There are at least a dozen or more on this side who very much want to pass class action legislation this year. God knows I do, and I know people on both sides have worked to get us to this point. For the life of me, I do not understand why we could not open that bottle of wine, let it breathe for a while, debate the amendments, germane and nongermane. If it became clear we were wasting our time and people were playing games, we could have cut it off, but do not do it right out of the box.

I leave here bewildered and, frankly, more than a little bit disappointed. I say to those folks around the country who are as disappointed as I am, and others who support the bill, I am not one who gives up easily.

Some of my colleagues hear me talk about my four core values that we built an administration on when I was Governor of Delaware and which I brought with me and I try to use them here with my legislative initiatives.

One, figure out the right thing to do and do it. I am convinced changing this part of our legal system is the right thing to do.

The second core value is to commit to excellence in everything we do. By golly, I know we can do better than the status quo with respect to this aspect of our legal system.

My third core value is the Golden Rule: treat other people the way I want to be treated. When consumers are

harmed, they ought to be compensated. When companies misbehave, they ought to have to pay damages. It is that simple. The way our system runs today is wrong. It is wrong for consumers and, frankly, it is wrong for companies, in many cases. It is a wrong that needs to be righted.

My fourth core value is don't give up. I am not one who ever gives up. I, for sure, am not going to give up.

While I go home disappointed, I will come back next week committed to do whatever we can this year to pass this bill and get it signed into law.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REFERRAL OF NOMINATIONS

Mr. FRIST. Mr. President, as in executive session, I ask unanimous consent that Executive Calendar Nos. 697 and 698 be rereferred to the Finance Committee and referred to the Banking Committee. I further ask unanimous consent that when the nominations are reported by the Banking Committee, they be automatically discharged from the Finance Committee and placed on the Executive Calendar. Finally, I ask unanimous consent that this agreement be specific to these nominations only.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to executive session for consideration of the following nominations on the Executive Calendar: Military nominations reported by the Armed Services Committee during today's session. I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

##### IN THE NAVY

The following named officer for reappointment as Chief of Naval Operations, United States Navy, for an additional term of two years, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

*To be admiral*

Adm. Vernon E. Clark, 0000

##### IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. James E. Cartwright

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

#### GARRETT LEE SMITH MEMORIAL ACT

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2634, introduced earlier today by Senators DODD, DEWINE, REED, SMITH, REID, DASCHLE, and others.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2634) to amend the Public Health Service Act to support planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to provide funds for campus mental and behavioral health service centers.

There being no objection, the Senate proceeded to consider the bill.

Mr. FRIST. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2634) was read the third time and passed, as follows:

##### S. 2634

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Garrett Lee Smith Memorial Act".

##### SEC. 2. FINDINGS.

Congress makes the following findings:

(1) More children and young adults die from suicide each year than from cancer, heart disease, AIDS, birth defects, stroke, and chronic lung disease combined.

(2) Over 4,000 children and young adults tragically take their lives every year, making suicide the third overall cause of death between the ages of 10 and 24. According to the Centers for Disease Control and Prevention suicide is the third overall cause of death among college-age students.

(3) According to the National Center for Injury Prevention and Control of the Centers for Disease Control and Prevention, children and young adults accounted for 15 percent of all suicides completed in 2000.

(4) From 1952 to 1995, the rate of suicide in children and young adults has tripled.

(5) From 1980 to 1997, the rate of suicide among young adults ages 15 to 19 increased 11 percent.

(6) From 1980 to 1997, the rate of suicide among children ages 10 to 14 increased 109 percent.

(7) According to the National Center of Health Statistics, suicide rates among Na-

tive Americans range from 1.5 to 3 times the national average for other groups, with young people ages 15 to 34 making up 64 percent of all suicides.

(8) Congress has recognized that youth suicide is a public health tragedy linked to underlying mental health problems and that youth suicide early intervention and prevention activities are national priorities.

(9) Youth suicide early intervention and prevention have been listed as urgent public health priorities by the President's New Freedom Commission in Mental Health (2002), the Institute of Medicine's Reducing Suicide: A National Imperative (2002), the National Strategy for Suicide Prevention: Goals and Objectives for Action (2001), and the Surgeon General's Call to Action To Prevent Suicide (1999).

(10) Many States have already developed comprehensive Statewide youth suicide early intervention and prevention strategies that seek to provide effective early intervention and prevention services.

(11) In a recent report, a startling 85 percent of college counseling centers revealed an increase in the number of students they see with psychological problems. Furthermore, the American College Health Association found that 61 percent of college students reported feeling hopeless, 45 percent said they felt so depressed they could barely function, and 9 percent felt suicidal.

(12) There is clear evidence of an increased incidence of depression among college students. According to a survey described in the Chronicle of Higher Education (February 1, 2002), depression among freshmen has nearly doubled (from 8.2 percent to 16.3 percent). Without treatment, researchers recently noted that "depressed adolescents are at risk for school failure, social isolation, promiscuity, self medication with drugs and alcohol, and suicide—now the third leading cause of death among 10-24 year olds."

(13) Researchers who conducted the study "Changes in Counseling Center Client Problems Across 13 Years" (1989-2001) at Kansas State University stated that "students are experiencing more stress, more anxiety, more depression than they were a decade ago." (The Chronicle of Higher Education, February 14, 2003).

(14) According to the 2001 National Household Survey on Drug Abuse, 20 percent of full-time undergraduate college students use illicit drugs.

(15) The 2001 National Household Survey on Drug Abuse also reported that 18.4 percent of adults aged 18 to 24 are dependent on or abusing illicit drugs or alcohol. In addition, the study found that "serious mental illness is highly correlated with substance dependence or abuse. Among adults with serious mental illness in 2001, 20.3 percent were dependent on or abused alcohol or illicit drugs, while the rate among adults without serious mental illness was only 6.3 percent."

(16) A 2003 Gallagher's Survey of Counseling Center Directors found that 81 percent were concerned about the increasing number of students with more serious psychological problems, 67 percent reported a need for more psychiatric services, and 63 percent reported problems with growing demand for services without an appropriate increase in resources.

(17) The International Association of Counseling Services accreditation standards recommend 1 counselor per 1,000 to 1,500 students. According to the 2003 Gallagher's Survey of Counseling Center Directors, the ratio of counselors to students is as high as 1 counselor per 2,400 students at institutions of higher education with more than 15,000 students.